

REMARKS

Reconsideration is respectfully requested.

Status of Claims

Claims 6, 9, 12, 14, 15, 19, 20, 22-24 and 26 have been cancelled.

Therefore, claims 1-5, 7, 8, 10, 11, 13, 16-18, 21, 25 and 27-29 are under consideration in this application.

Office Action of June 19, 2009

Applicant has carefully reviewed and considered the Office Action, and Applicant hereby requests entry of this Response and further consideration of the present application in view of the following remarks.

Paragraph 4 of the Office Action

In the Office Action, Claim 29 was objected to as having informalities.

Claim 29 has been amend in a manner submitted to overcome the objection in paragraph 4 of the Office Action.

Withdrawal of the objection to claim 29 is respectfully requested.

Paragraph 5-13 of the Office Action

Claims 1-4, 7, 11, 13, 16, 25 and 27-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Talluri.

Claims 1-5, 7, 10-11, 13, 16, 18, 25 and 28-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstye in view of Talluri.

Claims 8 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstye in view of Talluri, further in view of Ebata.

Claims 10 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstye in view of Talluri, further in view of Wells.

Claims 12 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstyne in view of Talluri, further in view of Watkins.

Claims 8 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Talluri, further in view of Ebata.

Claims 10 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable Talluri in view of Wells.

Claims 12 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Talluri in view of Watkins.

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstyne in view of Talluri, further in view of Ebata and Watkins.

Applicant respectfully traverses these grounds of rejection and requests reconsideration thereof.

Independent Claims 1, 8, 13 and 21

Independent claims 1, 8, 13 and 21 of the present application are directed to a method of creating a virtual disk storage construct and a computer readable medium tangibly embodying a program of instructions implementing the method thereof, respectively. Claims 1, 8, 13 and 21 are amended to more clearly define the subject matter of the invention.

Firstly, claim 1 is amended to require that "the plurality of grid computers comprising at least one administering host computer and a plurality of participating computers" and "the reserved portion of the total disk storage space on the at least one participating computer including the minimum amount of disk storage space **designated exclusively by the local user** to be reserved for local use by the local user" (emphasis added). This claim amendment is supported by the specification, for

example, see page 13, lines 22-31. Claims 8, 13 and 21 are also amended to include similar language.

It is stated by the Examiner in Response to Remarks section that the administrator is also a local user of the grid computers as the administrator can also use the grid computer just as other local users. However, according to the specification of the present application, the local user should be construed as the user of the participating computer while the administrative entity (administrator) is the one who is able to establish a number of the characteristics of the virtual disk storage system through the administering host computer. The amended independent claims clearly recites that the minimum amount of disk storage space is designated exclusively by the local user, which excludes the administrative entity from designating such minimum amount of disk storage space to be reserved for local use by the local user.

It is submitted that neither Talluri nor other cited references lead one of ordinary skill in the art to the requirement of “the plurality of grid computers comprising at least one administering host computer and a plurality of participating computers” and “the reserved portion of the total disk storage space on the at least one participating computer including the minimum amount of disk storage space designated exclusively by the local user to be reserved for local use by the local user” as set forth in claims 1, 8, 13 and 21.

Secondly, claim 1 is further amended to require that “copying data from the reserved portion of the total disk storage space of the at least one participating computer to an available portion of another one of the plurality of grid computers of the computing grid that has been made available to the virtual storage drive to thereby backup the copied data from the reserved portion of the at least one participating computer, **the data from the reserved portion of the total disk storage space of the at least one participating computer *being broken up into a plurality of units and each of the units being stored on the available portion of different ones of the plurality of grid computers* of the computing grid so that the entirety of the backed up data is not saved on the disk storage space in a single location or on**

a single grid computer, and the ***backed up data being presented to the local user of the at least one participating computer as a single disk drive or a single location on the at least one participating computer***" (emphasis added). This claim amendment is supported by the specification, for example, see page 21, lines 9-18. Claims 8, 13 and 21 are also amended to include similar language.

In the Office Action, the Examiner indicated that none of Ebstyne, Talluri and Ebata teaches the step of backing up data by copying data from a reserved portion of the disk storage space to the virtual storage drive. The Examiner further indicated that such step is disclosed by Watkins.

The amended claim language of the independent claims 1, 8, 13 and 21 clearly requires that the data from the reserved portion being broken up into a plurality of units and each of the unit being stored on different ones of the plurality of grid computers, so that the entirety of the backed up data is not saved in a single location or on a single grid computer. In addition, the backed up data is further presented to the local user as a single disk drive or a single location on the at least one participating computer. To the contrary, the Watkins system does not teach or suggest the above feature. In fact, none of the cited references disclose the above feature.

It is therefore respectfully submitted that the cited references, and especially the various allegedly obvious combinations of Ebstyne, Talluri, Ebata, Wells and Watkins, set for the in the rejection of the Office Action, would not lead one skilled in the art to the present invention as required by independent claims 1, 8, 13 and 21.

Dependent Claims 2-5, 7, 10, 11, 16-18, 25 and 27-29

Dependent claims 2-5, 7, 10, 11, 16-18, 25 and 27-29 depend from amended independent claims 1 and 13 respectively and Applicant submits that dependent claims 2-5, 7, 10, 11, 16-18, 25 and 27-29 are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claims 1 and 13.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that Claims 1-5, 7, 8, 10, 11, 13, 16-18, 21, 25 and 27-29 are in condition for allowance and entry of the

present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (770-246-2599) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 50-4290.

Respectfully submitted,

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